

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

LAMONT OWENS, )  
 )  
Plaintiff and )  
Counter-Defendant, )  
 )  
v. ) CASE NO.: 1:04-cv-152  
 )  
HOWARD HOWE, )  
 )  
Defendant and )  
Counter-Plaintiff. )

**ORDER**

The Court, having reviewed the Motion to Dismiss Counterclaim without Prejudice by Defendant/Counter-Plaintiff Howe, and being duly advised in the premises, hereby GRANTS said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Counterclaim brought by Defendant/Counter-Plaintiff Howe in this matter is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

*ENTER JANUARY 28, 2005*

**S/Roger B. Cosbey**  
**U.S. Magistrate Judge**  
Judge/Magistrate Judge  
Northern District of Indiana  
Fort Wayne Division